

Document No. 2659
Adopted at Meeting of 11/ 8/73

Report and Decision

on

Application by Denis A. Blackett and Ralph A. Partan

for

Authorization and Approval

of

Project under Chapter 121A of the General Laws

of the Commonwealth of Massachusetts

and Chapter 652 of the Acts of 1960

and for

Consent

to Formation of a Limited Partnership

to be Organized under the Provisions of said

Chapter 121A

A public hearing was held at 2:30 p.m. on September 6, 1973 at Room 921 in the City Hall in Boston, Massachusetts by the Boston Redevelopment Authority (hereinafter called "the Authority") on an Application (hereinafter called "the Application") filed by Denis A. Blackett and Ralph A. Partan (herein-after called "the Applicants") for authorization and approval of a project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960 (hereinafter called "the Project"), and for consent to the formation of 101 Commonwealth Associates, a limited partnership to be organized under the provisions of said Chapter 121A for the purpose of undertaking and carrying out the Project, due notice of said hearing having been given previously by publication and mailing in accordance with Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A projects and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960. Robert L. Farrell, Chairman of the Authority, and James G. Colbert, Joseph J. Walsh and James K. Flaherty, members of the Authority, were present throughout the hearing.

On August 31, 1973, and again on October 3, 1973, both prior to a report by the authority upon the Application referred to above, the Applicants filed amendments of their Application for approval of the Project. Neither of those amendments contained separately or together any fundamental change in the

Project and accordingly no further public hearing is required thereon. All references in this report to the Application and the Exhibits thereof are to the same as so amended.

The Project consists of the purchase by 101 Commonwealth Associates of Parcels 1 and 2 on a plan entitled "101 Commonwealth Avenue Samuel Glazer and Partners", by Samuel Glazer and Partners Architects, dated July 2, 1973, and the construction, operation and maintenance thereon of an apartment house consisting of ninety-seven (97) mixed income rental units with appurtenant facilities. The premises on which the Project is to be located are herein-after referred to as "the Project Area."

In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, all amendments filed thereto, conferences between the Applicants and members of the staff of the Authority and statements made at the hearing. Members of the Authority have also viewed the Project Area. In this report the Authority finds and determines that:

1. The Project as defined in the Application constitutes a "Project" in a "Blighted open area" within the meaning of said Chapter 121A, Section 1, as amended, in that it provides for a decent, safe and sanitary residential building and the necessary appurtenant facilities in a predominantly open area which is detrimental to the safety, health, morals, welfare and sound growth of the community, because of the

existence of factors which make it unduly costly to develop the area soundly through the ordinary operations of private enterprise.

Specifically, these factors are:

A. There has been an abandonment or cessation of a previous use and of work on improvements begun but not feasible to complete without the aids provided by said Chapters 121A and 652. The Project Area was originally composed of two parcels, known as 107 Commonwealth Avenue and 99 Commonwealth Avenue/260 Clarendon Street, respectively. City records show that the building on the parcel at 107 Commonwealth Avenue was demolished in 1939 and that the parcel has remained vacant and unused since that time. In 1958, the building located on the 99 Commonwealth Avenue/260 Clarendon Street parcel, an apartment hotel was demolished. That parcel has also remained vacant since the demolition occurred.

City records also reveal numerous abandoned attempts to improve the parcels. Since 1939 and the demolition of the building standing on the parcel at 107 Commonwealth, attempts to build both a multi-family dwelling and a single family dwelling there have been abandoned. Several attempts to construct a multi-family dwelling on the 99 Commonwealth Avenue parcel

have also been abandoned. Such improvements are not feasible to complete without the aids provided by said Chapter 121A.

Since the demolition of the buildings which once stood on the parcels comprising the Project Area, it has become increasingly clear that the Project Area interferes with the sound growth of the community and that the conditions outlined above which contribute to and result in the blighted character of the Project Area are not being and are not likely to be remedied by the ordinary operations of private enterprise.

The Project Area, now a vacant weed-filled lot, stands in what is perhaps the most architecturally celebrated area of the city, the Back Bay. Given the prominent location of the Project Area, the continued existence of this blighted condition is inappropriate and detrimental to the sound growth of the community.

B. There are unsuitable soil conditions, there is a necessity for unduly expensive excavation, foundations and retaining walls and there is a need for unduly expensive measures for waterproofing structures and for the protection of adjacent properties and the water table therein. Test borings within the Project Area indicate layers of loose sand and shells, gravel,

and several kinds of clay, none of which is capable of sustaining the weight of the proposed building. Therefore, expensive concrete filled steel pipe piles driven in excess of 100 feet into bedrock, will be necessary to support the proposed building. The high water table condition will necessitate construction and maintenance of an expensive coffer-dam and pumping system during the period of excavation. Because of the unsuitable soil conditions and high water table present at the Project Area, the cost of foundations for the Project will be approximately \$340,000 more than for normal type spread footing foundations on weight bearing soil.

2. Conditions exist which warrant the carrying out of the Project and in the opinion of the Authority the cost of the Project has been correctly estimated in the Application and the Project will be practicable. The proposed Project will eliminate the blighted character of the Project Area and will provide desirable housing accommodations to low and moderate income families in a stable residential community. Adequate mortgage financing has already been obtained by the Applicants for the Project from the Massachusetts Housing Finance Agency and preliminary market analysis supports the demand for the kind of dwelling units the Project would provide.

3. The Project does not conflict with the Master Plan of the City of Boston.

4. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will in fact forward the best interests of the City and will constitute a public use and benefit. It is not only extremely desirable because it will provide a number of much needed residential units and eliminate a source of blight but also because it is compatible, both in use and design, with the architecturally distinguished and protected Back Bay area of which it will be a part. As evidenced by the design approval of the Project by the Back Bay Architectural Commission, an agency charged with maintaining the architectural character of the Back Bay, the Project, though a ninety-seven unit modern apartment house, is complementary with the distinguished Victorian architecture of the surrounding area.

The Project will result in an increased financial return to the City of Boston inasmuch as the tax revenues payable to the City, as a result of the improvements proposed and made feasible through the aids provided by said Chapter 121A, will be substantially greater than those payable on the Project Area in its present blighted condition.

5. The carrying out of the Project will not of

itself involve the destruction or rehabilitation of buildings occupied in whole or in part as dwellings.

6. The Project area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

7. The minimum standards for financing, construction, maintenance and management (including the character and scope of charges to be made against income and the accounting principles proposed to be followed) of the Project as set forth in Exhibit D, filed with and attached to the Application are hereby adopted and imposed as rules and regulations applicable to the Project for the same period as the Project is subject to the provisions of said Chapters 121A and 652.

8. Permission to deviate from zoning, building, health and fire laws, codes, ordinances and regulations in effect in the City of Boston, as requested in Exhibit C to the Application, is hereby granted by the Authority and that each and every one of the granted permissions is reasonably necessary for the carrying out of the Project and may be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances or regulations respectively.

9. The garage to be constructed as a portion of the Project will not be substantially detrimental to any school, hospital or church within 500 feet of the Project Area, and

that an application may be granted and a permit issued for the erection, maintenance and use of such garage, anything in Chapter 316 of the Acts of 1922, as amended to the contrary notwithstanding. The granting of such application and the issuance of such permit is reasonably necessary to the carrying out of the Project.

10. As a result of the investigation and report of the Authority staff and of its own knowledge, the Authority further finds that other than the filing of the assessment of Environmental Damage form in conformity with the rules and regulations adopted by the Executive Office of Environmental Affairs attached hereto and marked "A" no other action must be taken and that the Authority hereby determines that the project will not cause significant environmental damage and that the Secretary of the Authority be instructed to file such with said Executive Office of Environmental Affairs as set forth in the Environmental Assessment form.

11. The Application and the Project conform to and comply with each and every applicable requirement of Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960, and the applicable Rules and Regulation of the Authority, and the Authority, for these reasons and for the reasons set forth in the Application and supporting documents, the evidence presented at the hearing, and in this report, hereby approves the Project

and consents to the formation of 101 Commonwealth Associates, as requested in the Application, and consents to the filing of the Limited Partnership Agreement for such limited partnership substantially in the form annexed to said Application, as Exhibit F.

I, KANE SIMONIAN, hereby certify that I am the Secretary of BOSTON REDEVELOPMENT AUTHORITY (hereinafter called "the Authority"), and that at a regular meeting of the members of the Authority duly held at the office of the Authority on Boston, Massachusetts on , at which a quorum, consisting of

was present and acting throughout, the attached Report and Decision was presented to the meeting by the Chairman of the Authority and was read and considered, whereupon, upon motion duly made and seconded, it was unanimously

VOTED: To adopt the Report and Decision by the Authority on the Application of Denis A. Blackett and Ralph A. Partan for authorization and approval of Project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960 and for consent to the formation of 101 Commonwealth Associates, a limited partnership, to be organized under the provisions of said Chapter 121A for the purpose of undertaking and carrying out the Project, due notice of said hearing having been given previously by publication and mailing in accordance with Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A projects and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, which Report and Decision has just been read and considered, and to authorize and approve the Project referred to in said Application and consent to the formation of 101 Commonwealth Associates to carry out the Project.

WITNESS my hand and the seal of the Authority this

Seal of Authority

Secretary as aforesaid

Approved

Including, without limiting the generality of the foregoing, the "Report and Decision on Application by Denis A. Blackett and Ralph A. Partan for Authorization and Approval of Project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960 and for Consent to Formation of a Limited Partnership to be Organized under the Provisions of Said Chapter 121A," the vote adopting said Report and Decision, the Project described in said Report and Decision, the consent to the formation of 101 Commonwealth Associates, contained in said Report and Decision, the rules and regulations for the Project contained in said Report and Decision, and the permissions contained in said Report and Decision for the Project to deviate from zoning, building and fire laws, codes, ordinances and regulations in effect in the City of Boston.

Mayor of the City of Boston

, 1973

Seal

A true copy

ATTEST

Kane Simonian
Secretary of Boston Redevelopment Authority

TABLED: October 25, 1973

RE-SUBMITTED: November 8, 1973

MEMORANDUM

TO: : BOSTON REDEVELOPMENT AUTHORITY 10

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: 101 COMMONWEALTH ASSOCIATES
APPROVAL OF 121A REPORT AND DECISION AND
STATEMENT OF POSITIVE ENVIRONMENTAL IMPACT

On September 6, 1973, a public hearing was held for Approval of the Formation of 101 Commonwealth Associates pursuant to Chapter 121A of the General Laws of Massachusetts.

The Applicants sought consent for the formation of a limited partnership which entity would develop a 10 story apartment building at 101 Commonwealth Avenue, Boston. This structure will contain 97 units of mixed income housing and be mortgaged by the Massachusetts Housing Finance Agency.

The Authority Staff has also made inquiry into the Environmental Impact of the project pursuant to Sections 61 and 62 of Chapter 30 of the Massachusetts General Laws. The proposal of 101 Commonwealth Associates has thus been examined both as to its Environmental Impact and as to its 121A criteria and is found fully acceptable.

It is therefore appropriate at this time that the Authority adopt the Report and Decision for 101 Commonwealth Associates and approve the Project as having no significant negative Environmental Impact.

An appropriate Vote is attached.

Attachment

ENVIRONMENTAL ASSESSMENT FORM

101 COMMONWEALTH AVENUE
BOSTON, MASSACHUSETTS

CITY AUTHORITY: BOSTON REDEVELOPMENT AUTHORITY

STATE AGENCY: MASSACHUSETTS HOUSING FINANCE AGENCY

PROJECT IDENTIFICATION: 101 COMMONWEALTH AVENUE

PREDICTED DATES: COMMENCEMENT: MARCH 1, 1974
COMPLETION: SEPTEMBER 1, 1976

PROJECTED COST: \$3,139,000.00

I. BACKGROUND INFORMATION

1. Brief Description of the Proposed Project and of the Boston Redevelopment Authority's and the Massachusetts Housing Finance Agency's Involvement in the Proposed Project.

The proposed project will be a mixed income rental project of approximately 97 units (approximately 67 one-bedroom units, 29 two-bedroom units and an efficiency unit for the janitor). The structure will be ten stories high (excluding one parking level) and will rise ninety feet from ground level. It will be built of brick similar to materials used in the vicinity and will have bay windows and a terrace and sloping roof construction.

The Massachusetts Housing Finance Agency will be the Mortgagee and a state interest subsidy will be provided for thirty-four of the units (24 one-bedroom and 10 two-bedroom units). It is contemplated that twenty-four of these units will be offered to the low income market by leasing these units to the Boston Housing Authority. The other ten subsidized units will be offered to the moderate income market. The remaining units (65 percent of the total) will be offered at market rates.

The Boston Redevelopment Authority has received an application from Denis A. Blackett and Ralph A. Partan, the President and Executive Vice President respectively of HII Corporation, for approval and consent to organize a Limited Partnership, 101 Commonwealth Associates, under the provisions of Mass. G.L. (Ter. Ed.) Chapter 121A. The approval process requires the submission of an application

to the Boston Redevelopment Authority, Public Notice, and a Public Hearing. During this Hearing, the issues raised pursuant to General Laws, Chapter 30, Section 62 will be raised and discussed.

2. Description of the Geographical Area which will be Affected by the Project, Including Distinguishing Natural and Man-Made Characteristics, and a Brief Description of the Present Use of the Area or Areas.

The project will be located on a presently vacant lot (14,442 square feet) at the Northwest corner of the intersection of Commonwealth Avenue and Clarendon Street in the Back Bay Area of Boston.

Immediately neighboring land uses are residential and institutional, and the surrounding buildings are of high architectural quality and were constructed approximately one hundred years ago. They are well-maintained. The site is ideally located within convenient access to the hub of downtown Boston. There is commercial and shopping activity within two blocks on Newbury Street and Boylston Street and, at a greater distance, within the Prudential complex. City parks such as the Commonwealth Mall, the Boston Public Gardens, the Esplanade along the Charles River, and Copley Square are all within walking distance. Rapid transit stations are just a few blocks away along Boylston Street. Numerous institutional agencies offering cultural and social programs are active throughout the area. Among others, there are the Boston Center for Adult Education, the Boston Public Library, the YWCA, and at least eight churches in the immediate Back Bay Area (First Baptist Church is located directly across the street on Common-

wealth Avenue.) Police headquarters are located on Berkeley Street, and three fire stations are close by on Boylston Street, in the South Cove, and on Beacon Hill.

This area is distinguished by its Victorian Architecture. A special agency, the Back Bay Architectural Commission, has been established by the Commonwealth to insure that the architectural character of the Back Bay is maintained. On July 10, 1973, this Commission gave formal design approval to the proposed project.

ASSESSMENT OF ENVIRONMENTAL DAMAGE

	<u>Short Term</u>	<u>Long Term</u>
1. Could the Project Affect the Use of a Recreational Area or Area of Important Aesthetic Value?	No	No

The project is now a vacant lot of approximately one-third of an acre. Although the present owners have allowed local organizations to use the site as a tot-lot, this use is recognized as a temporary use until such time as the site is developed. Moreover, the site, in its present vacant state, is not consistent with the aesthetic character of the area. The proposed design for the project, as already noted, has been approved by the Back Bay Architectural Commission which is responsible for maintaining the architectural quality in the Back Bay. In sum, the project will have a positive impact on the aesthetic character of the project area.

	<u>Short Term</u>	<u>Long Term</u>
2. Are Any of the Natural or Man-Made Features in the Affected Area Unique; that is, not found in Other Parts of the Commonwealth or Nation?	No	No

There are no unique natural or man-made features in the affected area except for the area's high architectural quality. The proposed project will be in keeping with, and have an affirmative impact on, the area's aesthetic quality.

	<u>Short Term</u>	<u>Long Term</u>
3. Could the Project Affect an Historical or Archaeological Structure or Site?	No	No

There are no historical or archaeological structures or sites in the area that the project could affect. However, there is a water table balance that if disturbed would affect the wood piles of nearby buildings during construction. All necessary and possible measures, including the daily inspection of water observation wells, the construction of a coffer-dam, and the introduction of additional water as necessary, will be taken.

	<u>Short Term</u>	<u>Long Term</u>
4. Could the Project Affect the Potential Use, Extraction, or Conservation of a Scarce Natural Resource?	No	No

There are no known scarce natural resources on the site that the project could affect.

	<u>Short Term</u>	<u>Long Term</u>
5. Does the Project Area Serve as a Habitat, Food Source, Nesting Place, Source of Water, etc. for Rare or Endangered Wildlife or Fish Species?	No	No

The project area, a vacant lot in the midst of an urban environment, does not serve as a habitat, food source, nesting place, source of water, etc. for any rare or endangered wildlife or fish species.

	<u>Short Term</u>	<u>Long Term</u>
6. Could the Project Affect Fish, Wildlife, or Plant Life?	No	No

The project will not affect fish, wildlife, or plant life. Only trees and some other plant life are found in the area, and these will not be affected by the project.

	<u>Short Term</u>	<u>Long Term</u>
7. Are there Any Rare or Endangered Plant Species in the Affected Area?	No	No

There are no rare or endangered plant species in the affected area.

	<u>Short Term</u>	<u>Long Term</u>
8. Could the Project Change Existing Features of Any of the Commonwealth's Fresh or Salt Waters or Wetlands?	No	No

The project, which does not contain or abut any fresh or salt waters or wetlands, will not affect them.

	<u>Short Term</u>	<u>Long Term</u>
9. Could the Project Change Existing Features of Any of the Commonwealth's Beaches?	No	No

The project, which is not located on or near any beach, will not affect any of the Commonwealth's beaches.

	<u>Short Term</u>	<u>Long Term</u>
10. Could the Project Result in the Elimination of Land Presently Utilized for Agricultural Purposes?	No	No

The site and surrounding areas are not utilized for agricultural purposes and, hence, the project will not eliminate land presently used for agriculture.

	<u>Short Term</u>	<u>Long Term</u>
11. Will the Project require a Variance from, or Result in a Violation of, Any Statute, Ordinance, By-Law, Regulation or Standard, the Major Purpose of which is to Prevent or Minimize Damage to the Environment?	No	No

The project will not require a variance from, or result in a violation of, any statute, ordinance, by-law, regulation or standard, the major purpose of which is to prevent or minimize damage to the environment.

	<u>Short Term</u>	<u>Long Term</u>
12. Will the Project Require Certification, Authorization or Issuance of a Permit by any Local, State or Federal Environmental Control Agency?	No	No

The project will not require certification, authorization or issuance of a permit by any local, state or federal environmental control agency.

	<u>Short Term</u>	<u>Long Term</u>
13. Will the Project Involve the Application, Use or Disposal of Potentially Hazardous Materials?	No	No

No materials which could be hazardous to the environment will be used in the construction or disposed as a result of the construction of the project.

	<u>Short Term</u>	<u>Long Term</u>
14. Will the Project Involve Construction of Facilities in a Flood Plain?	No	No

The proposed project is not located on a flood plain.

	<u>Short Term</u>	<u>Long Term</u>
15. Could the Project Result in the Generation of Significant Amounts of Noise?	Yes	No

After the construction of the project is completed, the only sources which could have a long term contribution to the acoustic environment at the site would be ventilation equipment and mechanical equipment room noise (from boilers, pumps, etc.). However, proper installation, careful location, and normal noise control measures which will be incorporated into the final specifications of this equipment will assure that these sources will be virtually inaudible to passers-by in the street, to occupants of the building and to nearby neighbors.

During construction, the noise levels generated by construction equipment at the site will vary greatly during any one day and over the entire construction period. The levels will depend on the phase of construction, the types of equipment used at any particular time, the number of noise sources, the length of duty cycle of the equipment, the average noise level for each piece of equipment, its location and so on. First, substantial, but normal, construction noise will be limited to approximately the first ten months of construction. After that period, most work will be within the building. Second, construction will be limited to the hours of 8:00 AM to 4:00 PM when the ambient noise levels caused by traffic on Commonwealth Avenue and Clarendon Street will be highest. These high ambient levels mean that the relative impact (that is, increase above the ambient) will be less than if the ambients were very low. Finally, the highest noise levels will be generated for a period at the initial stage of construction of only three to five weeks when piles

are being driven. All possible steps, including the pre-auguring holes for the piles to a minimum of 40 feet below the present ground surface, will be taken to minimize the intensity and duration of the construction noise.

In sum, because the highest noise levels will be limited to a short period of time and because the general construction noise will be limited to working hours, we believe that the impact of this project on noise levels is not significant.

	<u>Short Term</u>	<u>Long Term</u>
16. Could the Project Result in the Generation of Significant Amounts of Dust?	No	No

While the site is being excavated, a period of one to two weeks, there is the possibility that dust could be generated. However, this is unlikely because of the high water table which will result in the earth being damp. If there is a problem, though, the earth will be wet down by the contractor. Dust could also be created by the disposal of materials from the site. However, all such disposal will be done through enclosed chutes. In sum, no significant amounts of dust will be generated by the proposed project.

	<u>Short Term</u>	<u>Long Term</u>
17. Will the Project Involve the Burning of Brush, Trees, Construction Materials, etc.?	No	No

No brush, trees, construction materials or other materials will be burned at the site or in the project area. All such materials will be trucked away from the site.

		<u>Short Term</u>	<u>Long Term</u>
18.	Could the Project Result in a Deleterious Effect on the Quality of any Portion of the State's Air or Water Resources?	No	No

Sewage and drainage from the project and site will be disposed of through the City of Boston's sewage system and will therefore not pollute the state's water resources.

The project will use gas or oil for heating fuel and the heating system will meet all air pollution emission guidelines established by the City of Boston and the state.

As for pollution from automobiles, the number of vehicles associated with this building will be thirty-one. The impact of these vehicles will be insignificant relative to the heavy traffic in the project area.

		<u>Short Term</u>	<u>Long Term</u>
19.	Could the Project Affect an Area of Important Scenic Value?	No	No

The project will replace a vacant site with a ten-story building which has been approved by the Back Bay Architectural Commission, which is responsible for maintaining the architectural quality of the area. Therefore, this project will improve the aesthetics of the area.

		<u>Short Term</u>	<u>Long Term</u>
20.	Will the Project Result in Any Form of Environmental Damage not Included in the Above Questions?	No	No

The project will not result in any other form of environmental damage not included in the above questions.

III. STATEMENT OF NO SIGNIFICANT ENVIRONMENTAL EFFECTS

The only adverse impact that may be created by this project is the normal construction noise that will be generated during the first ten months of construction. As already noted, we do not believe that the impact created by the construction noise will be significant because the highest noise levels will be limited to a short period of time and because the general construction noise will be limited to working hours when the ambient noise levels are highest.

IV. CONCLUSIONS

Place a check in the appropriate box.

1. It has been determined that the project will not cause significant environmental damage. No further reports will be filed.
2. It has been determined that the project may cause significant environmental damage. A draft environmental impact report will be submitted on _____.
3. Standard
4. Extensive
5. Combined
6. Joint, in participation with _____, with _____ designated as the lead agency.

SIGNATURE OF PREPARING OFFICER:

TITLE:

ADDRESS:

TELEPHONE: